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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

NGUYEN, SON T

ART UNIT

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/537,174	Applicant(s) NASLUND ET AL.	
	Examiner Son T. Nguyen	Art Unit 3643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 April 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 21-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 21-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>6/1/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of group I, claims 1-5,21-35 in the reply filed on 1/12/09 is acknowledged. Claims 6-20, which belong to the non-elected groups, have been cancelled.

Information Disclosure Statement

2. The information disclosure statement filed 6/1/05 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 22,23,25,26,29,31,32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

For claim 22, the phrase "providing an, for the horse, saddle pad" is unclear.

For claim 23, the phrase "selecting from a set of saddle bases (30) a saddle base (30)" appears to be a run-on-sentence, thus, should includes a comma between "saddle bases" and "a saddle base".

For claim 25, the claim calls for a method; however, the dependency goes back to claim 2, which is an apparatus claim, hence, the claim is unclear. In addition, the phrase "selecting from a set of saddle seats (40) a saddle seat (40)" appears to be a run-on-sentence, thus, should includes a comma between "saddle seats" and "a saddle seat".

For claim 26, the phrase "selecting from a set of saddle pads (20) a saddle pad (20)" appears to be a run-on-sentence, thus, should includes a comma between "saddle pads" and "a saddle pad".

For claim 29, the phrase "the guide element" lacks prior antecedent basis.

For claims 31 & 32, the phrase "the guides" lacks prior antecedent basis.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. **Claims 1-3,21,24 are rejected under 35 U.S.C. 102(b) as being anticipated by Laurin (3323286).**

For claim 1, Laurin teaches a saddle for horseback riding, comprising a saddle base (2) that is anatomically adapted to the horseback, and a saddle seat (1), the saddle seat is detachably arranged (by members 3,5,11,9,15) on the saddle base characterized in that the saddle base is arranged to be secured on the horseback and that the saddle seat is arranged to be secured to the saddle base.

For claim 2, Laurin teaches the saddle seat is retained on the saddle base by a quick fastening system (3,5,9,11,15), such that the saddle seat easily can be detached/attached from/to the saddle base.

For claim 3, Laurin teaches the quick fastening system is comprised of a base structure (5,11) on the saddle base, and a mating structure (3) with a locking mechanism (9,15) on the saddle seat.

For claim 21, Laurin teaches a method of providing a saddle base (2) for a specific horse and rider combination, characterized by the steps: providing a saddle base (2) that is of suitable size for the horse, providing, for the rider, a suitable saddle seat (1), and detachably arranging (by members 3,5,11,9,15) the saddle seat onto the saddle based.

For claim 24, Laurin teaches the step of providing a saddle base comprises: forming the saddle base to fit the back of the specific horse (inherently taught in Laurin because the base has to be sized appropriately in order to fit specific horse; otherwise, it would defeat the purpose of the invention, i.e. to provide a riding saddle).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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8. Claims 4,5,23,25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Laurin as applied to claims 1,21 above, and further in view of Roberts (3624695).

For claims 4 & 5, Laurin is silent about saddle seats with different seating characteristics can be arranged on the base, such that the saddle can be adapted to different riders and/or riding disciplines, or the saddle can be anatomically adapted to more than one horse or type of horse by providing a number of different saddle bases with different characteristics.

Roberts teaches in the same field of endeavor of saddle as Laurin, in which Roberts stated that it is known in the saddle art that seats and bases come in various sizes in order to accommodate different horses and different riders (col. 1, lines 5-14). Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to apply Roberts teaching of various sizes in seats and bases in the saddle of Laurin in order to accommodate various horse and rider sizes.

For claims 23 & 24, Laurin is silent about the step of providing a saddle base comprises: selecting from a set of saddle bases a saddle base of suitable size for the horse, or the step of providing a saddle seat comprises: selecting from a set of saddle seats a saddle seat that fits the rider.

Roberts teaches in the same field of endeavor of saddle as Laurin, in which Roberts stated that it is known in the saddle art that seats and bases come in various sizes in order to accommodate different horses and different riders (col. 1, lines 5-14). Thus, it would have been obvious to one having ordinary skill in the art at the time the

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invention was made to apply Roberts teaching of various sizes in seats and bases in the method of Laurin in order to accommodate various horse and rider sizes.

9. Claims 22,26,27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Laurin as applied to claim 21 above, and further in view of Deal (3807136).

For claim 22, Laurin is silent about the additional step of: providing an, for the horse, saddle pad that fit in between the saddle base and the horseback.

Deal teaches in the same field of endeavor of saddle as Laurin, in which Deal employs a saddle pad 13 that fit in between the saddle base (the lower part of either saddle 10 or 25). Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the step of providing a saddle pad as taught by Deal between the saddle base and the horseback in the method of Laurin in order to provide extra comfort for the horse and to prevent sores on the horse.

For claim 26, Laurin as modified by Deal teaches providing the saddle pad but does not specifically state that the step of providing a saddle pad comprises: selecting from a set of saddle pads, a saddle pad that fit in between the saddle base and the horseback. It is notoriously well known in the art of saddle that a variety of pads are needed in order to accommodate different size horses. Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the step of selecting from a set of saddle pads, a saddle pad that fit in between the saddle base and the horseback in the method of Laurin as modified by Deal in order to accommodate different horse sizes.

For claim 27, Laurin as modified by Deal teaches that the step of providing a saddle pad comprises: forming the saddle pad to fit the back of the specific horse (inherently taught in Laurin as modified by Deal because the base has to be sized appropriately in order to fit specific horse; otherwise, it would not fit certain horses).

10. Claims 28-31,33,35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Laurin as applied to claim 1 above, and further in view of Gronberg (6453653).

For claim 28, Laurin is silent about the saddle with a stirrup system comprising a guide extending from a front end region of the saddle to a rear end region of the saddle; and a stirrup that is supported by and allowed to move along the guide.

Gronberg teaches in the same field of endeavor of saddle as Laurin, in which Gronberg employs a stirrup system comprising a guide (4,5) extending from a front end region (where ref. 2 is located at) of the saddle to a rear end region (where ref. 3 is located at) of the saddle; and a stirrup (8) that is supported by and allowed to move along the guide. Note that in col. 2, lines 30-35, Gronberg states that the strap 4,5 can be one single strap, thus, the eyelet 6, hence the stirrup, would be able to move along the guide. It would have been obvious to one having ordinary skill in the art at the time the invention was made to employ a stirrup system with a guide as taught by Gronberg in the saddle of Laurin in order to uniformly distribute weight imposed by the rider's foot on the stirrup (abstract of Gronberg).

For claim 29, Laurin as modified by Gronberg (emphasis on Gronberg) further teaches the guide is a bendable element (because it is a rope, band, cord, etc. similar to

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applicant's) that is supported by the saddle at the front end region (at ref. 2 in Gronberg) and at the rear end region (at ref. 3 of Gronberg) thereof, and that the guide element is essentially longer than the shortest distance between the front end region and the rear end region (inherently taught in Gronberg because the weight of the stirrup will pull the guide down into a V-shape).

For claim 30, Laurin as modified by Gronberg (emphasis on Gronberg) further teaches the guide is supported by a front fixing point (at ref. 2) and a rear fixing point (at ref. 3), wherein the front fixing point is formed such that the length of the guide is adjustable, whereby the height of the stirrup can be adjusted (by adjusting buckle near ref. 7).

For claim 31, Laurin as modified by Gronberg is silent about the rear fixing point is arranged at the longitudinal centre of the saddle, and that the guides from both sides of the saddle are attached to the same rear fixing point. It would have been an obvious substitution of functional equivalent to substitute each side of the saddle includes a guide for attachment to the rear fixing point as taught in Laurin as modified by Gronberg with the rear fixing point is arranged at the longitudinal centre of the saddle, and that the guides from both sides of the saddle are attached to the same rear fixing point, since a simple substitution of one known element for another would obtain predictable results. *KSR International Co. v. Teleflex Inc.*, 127 S. Ct. 1727, 1739, 1740, 82 USPQ2d 1385, 1395, 1396 (2007).

For claim 33, Laurin as modified by Gronberg (emphasis on Gronberg) further teaches the stirrup (8 of Gronberg) is supported on the guide by a runner (6 of Gronberg, eyelet 6 is considered a runner because it moves along the guide).

For claim 35, Laurin as modified by Gronberg (emphasis on Gronberg) further teaches the stirrup and the runner are formed as one unit. The whole saddle assembly is considered one unit of saddle.

11. Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Laurin as modified by Gronberg as applied to claims 1,28 above, and further in view of Fleming (GB2257009).

Laurin as modified by Gronberg is silent about the guide is attached to the rear fixing point by a release mechanism arranged to release the guide when a rider falls off the horse, whereby the stirrup is free to move past the lose end of the guide and thus can be detached from the same.

Fleming teaches in the same field of endeavor of saddle as Laurin and Gronberg, in which Fleming's saddle includes a release mechanism 10 arranged to release a stirrup strap when a rider falls off the horse, whereby the stirrup is free to move past the lose end of the strap and thus can be detached from the same (abstract). It would have been obvious to one having ordinary skill in the art at the time the invention was made to employ a release mechanism as taught by Fleming in the saddle of Laurin as modified by Gronberg in order to provide safety in the event a rider falls.

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12. Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Laurin as modified by Gronberg as applied to claims 1,28 above, and further in view of Helm (1572796).

Laurin as modified by Gronberg is silent about the movement of the runner along the guide is damped.

Helm teaches in the same field of endeavor of saddle as Laurin and Gronberg, in which Helm's invention includes a runner (8), of which movement of the runner along a guide (4,7) is damped (by looping the guide through slots 13,11 in the runner). It would have been obvious to one having ordinary skill in the art at the time the invention was made to includes slots as taught by Helm in the runner of Laurin as modified by Gronberg in order to limit movement of the runner along the guide.

Conclusion

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Son T. Nguyen whose telephone number is 571-272-6889. The examiner can normally be reached on Mon-Thu from 10:00am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Poon can be reached on 571-272-6891. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Son T. Nguyen/
Primary Examiner, Art Unit 3643